

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

January 17, 2007

The regular meeting of the New Hampshire Board of Pharmacy was held on **January 17, 2007** at the Board of Pharmacy office, 57 Regional Drive, Concord, New Hampshire. The meeting was **called to order at 9:02 a.m.** with President Kristina Genovese presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Kristina Genovese, President
George L. Bowersox, Vice-President
Vahrij Manoukian, Treasurer
Sandra B. Keans, Secretary
Margaret E. Hayes, Member
Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Margaret A. Clifford,
Compliance Investigator
Carl T. Kelly,
Compliance Investigator

ALSO PRESENT

Melissa Sireen: P-4 Pharmacy Student – UCONN
Guest of Commissioner Bowersox

Michael Quist: P-4 Pharmacy Student – MCPHS – Manchester
Advanced Pharmacy Practice Experiential Rotation
6 Week Internship with Board of Pharmacy

II. REVIEW/ADOPTION OF MINUTES

Minutes of the **December 13, 2006 regular meeting** of the Board were **accepted as submitted. (Manoukian/Bowersox). Voted (unanimous).**

III. LICENSING

A. Pharmacists

1. Disciplinary

- (a) **PLANTE Ronald M.**
North Conway, NH
- NH License No. R1216
- Case File: ROI 43/06

- (b) **PLANTE, Andrea J.**
North Conway, NH
- NH License No. 2656
- Case File: ROI 44/06

Motion (Petrin/Bowersox) to cancel the above two disciplinary hearings, previously scheduled for February 21, 2007. Voted (passed – Commissioner Keans opposed).

2. Settlement Agreement

- (a) **BLANCHETTE, Brian**
Lebanon, NH
- NH License No. R0887
- Date of Original Licensure: December 1, 1980
- Case File: ROI 48/06

Motion (Petrin/Hayes) to accept the *Settlement Agreement* signed by Mr. Blanchette on January 2, 2007. Voted (passed – Commissioner Keans opposed).

3. Reinstatement

- (a) **BLANCHETTE, Brian**
Lebanon, NH
- NH License No. R0887
- Date of Original Licensure: December 1, 1980

Motion (Petrin/Hayes) to deny Mr. Blanchette's request for reinstatement of his license to practice pharmacy in New Hampshire based on the absence of required continuing education documentation and reinstatement fees. Voted (unanimous).

- (b) **KELLERMANN, Thomas F.**
Bedford, NH
- NH License No. R1130
- Date of Original Licensure: September 19, 1987
- Date of Voluntary Surrender: August 16, 2006

CE is current.
Jurisprudence exam not required.

Motion (Petrin/Bowersox) to grant conditional reinstatement of Mr. Kellermann's license to practice pharmacy in New Hampshire. Voted (passed – Commissioner Manoukian opposed, Commissioner Hayes recused).

4. Renewal 2007

BOUSQUET, Denis P.
Naples, FL

Awaiting recommendation from APU (Attorney General's Office) relative to Mr. Bousquet's renewal application for 2007 licensure received by the Board on December 22, 2006.

Motion (Petrin/Manoukian) to table Mr. Bousquet's 2007 application for renewal of his license to practice pharmacy in New Hampshire. Voted (unanimous).

5. Fifty Year Anniversay – Gold Certificates – 2007

(a) **DION, Robert J.**
Nashua, NH

- NH License No. 1515
- Date of Original Licensure: 6/19/1957

(b) **GEORGEOU, Alexander**
Hampton, NH

- NH License No. 1531
- Date of Original Licensure: 9/19/1957

(c) **HEBERT, James J.**
Nashua, NH

- NH License No. 1530
- Date of Original Licensure: 9/19/1957

(d) **KEOUGH, Carl H.**
Dover, NH

- NH License No. 1529
- Date of Original Licensure: 9/19/1957

(e) **ROENTSCH, E. George**

Keene, NH

- NH License No. 1522
- Date of Original Licensure: 6/19/1957

(f) **WILSON, JR., James**

Manchester, NH

- NH License No. 1517
- Date of Original Licensure: 6/19/1957

Motion (Bowersox/Petrin) to confer 50-year anniversary “Gold Certificates” to the above-referenced pharmacists according to Ph 401.07 of the NH Code of Administrative Rules. Awards to be presented December 19, 2007. Voted (unanimous).

B. Pharmacy Technician

Voluntary Surrender

MILLER, Nicole M.

Amherst, NH

- NH Registration No. PT1201
- Case File: ROI 66/07

Motion (Manoukian/Hayes) to accept the *Voluntary Surrender* of pharmacy technician registration No. PT1201 issued to Nicole M. Miller effective immediately. Voted (passed – unanimous).

C. Pharmacy

1. Change of Ownership

INFUSION SOLUTIONS, INC.

8 Technology Drive
Bedford, NH 03110

Application incomplete.

Motion (Manoukian/Keans) to deny. Voted (unanimous).

IV. COMPLIANCE UNIT

A. **Activity Report**

- December 2006

Motion (Manoukian/Bowersox) to accept the report as submitted. Voted (unanimous).

B. **Automated Counting / Dispensing Systems**

At the request of the Compliance Unit, the Board reviewed certain guidelines (#4 and #5) for the use of automated counting devices / dispensing systems as established March 15, 2006 and distributed to all NH pharmacies as *Advisory Document # 00106*.

The Board requested additional information and the item was **tabled to the February 21, 2007 meeting of the Board.**

V. OLD BUSINESS

A. **Guidelines for Limited Waiver of Ph 303.02(k)**

Following a report presented by Compliance Investigator Margaret Clifford relative to the delivery of prescription drug orders to pharmacies when the prescription department is not open and/or a licensed pharmacist is not on the premises, members of the Board engaged in a discussion as to whether this Pilot Program should be continued.

The guidelines and a limited waiver of Ph 303.02(k) were established by the Board on August 17, 2005 as a Pilot Program to be assessed at a later time.

Motion (Hayes/Bowersox) to continue the Pilot Program. On vote, the motion failed (Commissioners Keans, Manoukian, Petrin voted against. On a tie vote, the motion is lost).

VI. NEW BUSINESS

A. **Wal-Mart Pharmacy Division**

Bentonville, AR

Susanne Hiland, PharmD

Director, Pharmacy Professional Services and Government Affairs

- Connexus Prescription Processing (Workload Balancing)
- Automated Will Call Bin (Kiosk) Technology

Both presentations were for **informational purposes** only. Wal-Mart will present the Board with a NH-specific proposal(s) in the future.

B. Dartmouth-Hitchcock Medical Center
Lebanon, NH

Vanessa Brown, CPhT, BSIT
Clinical Information Systems Analyst

Ms. Brown requested that the Board review 2 scenarios and provide an opinion.
The scenarios are as follows:

"If a doctor writes in his office note what the patient's meds are and that they can continue for 6 months or whatever, is that an 'order' in which the nurse can call-in renewals for those medications without having a 'pre' authorization (written or verbal) from the prescriber? If this is true, then here is question number 2:

Presently we have set up electronic faxing for prescribers only (non scheduled drugs). We are planning on functionality to allow the nurse to queue up the prescription to be e-faxed, but it doesn't actually get sent to the pharmacy until the prescriber electronically signs it. In theory, if the nurse can use the doctor's previous note as an order to renew meds without preauthorization, is there any law that would prevent them from actually sending the e-fax without the doctor's electronic signature? (the prescriber's name would be clearly printed on the faxed Rx)."

The Board's response:

"The Board is of the opinion that the procedure/process that you present should be determined by the clinic doctors (the prescribers) and published as an internal policy so that no confusion exists with the clinic staff. A prescriber's 'electronic signature' is NOT required for transmitting (by fax or modem-to-modem) prescription orders for non-controlled drugs. Determining whether the prescriber's refill instructions (in the patient's record) constitute a legitimate order to be transmitted, by his/her 'designated agent' to a pharmacy might be a question for the Board of Medicine. Either way, the pharmacist receiving a refill authorization, directly from the prescriber or the designated agent acting on his/her behalf, must be assured that the authorization is in fact legally recognized."

**C. National Association of Boards of Pharmacy
Annual Meeting – May 19-22, 2007
Portland, Oregon**

Motion (Hayes/Manoukian) to credential Commissioner Kristina Genovese as the voting delegate and Commissioner George Bowersox as the alternate delegate, and to authorize and empower them to represent the NH Board during all business sessions at the NABP Annual Meeting in Portland, OR – May 19-22, 2007.

D. Validity of Prescription Drug Orders

The Board discussed the Idaho model which defines a prescriber-patient relationship which is required to adequately establish diagnosis and treatment options and directed that the information be forwarded to the *Board of Medicine* for review and comment.

The meeting was recessed at 12:25 P.M. for purposes of meeting with the Board's legal counsel from the Attorney General's Office. The meeting was called back to order at 1:46 P.M. and the agenda business of the Board resumed.

A non-public session was called (Manoukian/Hayes) at 1:47 P.M. with Commissioners Bowersox, Genovese Hayes, Keans, Manoukian, and Petrin present.

Discussions and/or decisions occurring during this non-public (confidential) session were according to RSA 91-A:3, I & II and involved information pursuant to ongoing investigations as reported by the Board's Compliance Investigator(s) and/or the Office of the Attorney General, the disclosure of which would likely adversely affect a person's reputation and/or would render the Board's proposed action ineffective.

The non-public session was adjourned at 2:40 P.M.

VII. ADJOURNED 3:00 P.M.

Respectfully submitted,

Sandra B. Keans
Secretary
FOR THE BOARD